

COMPATIBILITY DETERMINATION

Refuge Name: Mackay Island National Wildlife Refuge.

Date Established: 1960

Establishing and Acquisition Authority: 16 U.S.C. Sec. 664 (Migratory Bird Conservation Act of 1929).

Refuge Purpose: The purpose of Mackay Island National Wildlife Refuge, as reflected in the refuge's authorizing legislation, is to protect and conserve migratory birds, and other wildlife resources through the protection of wetlands, in accordance with the following laws:

...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds... 16 U.S.C. Sec. 664 (Migratory Bird Conservation Act of 1929);

...for (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species and threatened species... 16 U.S.C. Sec 460k-1 (Refuge Recreation Act of 1962)

The refuge's purpose and importance to migratory birds, particularly waterfowl, are to preserve wintering habitat for waterfowl and wintering and production habitat for wood ducks to meet the habitat goals presented in the Ten-Year Waterfowl Habitat Acquisition Plan and the North American Waterfowl Management Plan.

On August 15, 1967, the Secretary of the Interior signed a proclamation prohibiting waterfowl hunting on the refuge and the waters to the south of the refuge.

National Wildlife Refuge System Mission: The mission of the Refuge System, as defined by the National Wildlife Refuge System Improvement Act of 1997, is:

... to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Other Applicable Laws, Regulations, and Policies:

Antiquities Act of 1906 (34 Stat. 225)

Migratory Bird Treaty Act of 1918 (15 U.S.C. 703-711; 40 Stat. 755)

Migratory Bird Conservation Act of 1929 (16 U.S.C. 715r; 45 Stat. 1222)

Migratory Bird Hunting Stamp Act of 1934 (16 U.S.C. 718-178h; 48 Stat. 451)

Criminal Code Provisions of 1940 (18 U.S.C. 41)

Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d; 54 Stat. 250)

Refuge Trespass Act of June 25, 1948 (18 U.S.C. 41; 62 Stat. 686)

Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j; 70 Stat. 1119)

Refuge Recreation Act of 1962 (16 U.S.C. 460k-460k-4; 76 Stat. 653)

Wilderness Act (16 U.S.C. 1131; 78 Stat. 890)

Land and Water Conservation Fund Act of 1965

National Historic Preservation Act of 1966, as amended (16 U.S.C. 470, et seq.; 80 Stat. 915)
National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd, 668ee; 80 Stat. 927)
National Environmental Policy Act of 1969, NEPA (42 U.S.C. 4321, et seq; 83 Stat. 852)
Use of Off-Road Vehicles on Public Lands (Executive Order 11644, as amended by Executive Order 10989)
Endangered Species Act of 1973 (16 U.S.C. 1531 et seq; 87 Stat. 884)
Refuge Revenue Sharing Act of 1935, as amended in 1978 (16 U.S.C. 715s; 92 Stat. 1319)
National Wildlife Refuge Regulations for the Most Recent Fiscal Year (50 CFR Subchapter C; 43 CFR 3101.3-3)
Emergency Wetlands Resources Act of 1986 (S.B. 740)
North American Wetlands Conservation Act of 1990
Food Security Act (Farm Bill) of 1990 as amended (HR 2100)
The Property Clause of the U.S. Constitution Article IV 3, Clause 2
The Commerce Clause of the U.S. Constitution Article 1, Section 8
The National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57, USC668dd)
Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System, March 25, 1996
Title 50, Code of Federal Regulations, Parts 25-33
Archaeological Resources Protection Act of 1979
Native American Graves Protection and Repatriation Act of 1990

Description of Use:

Hunting

The refuge is a mixture of marshes, managed wetlands (moist-soil areas), and forest blocks of loblolly pine and bottomland hardwoods, and interconnected streams, ditches, and backswamps. The forests have a great variety of tree species that includes bald cypress, tupelo gum, oak, red maple, black gum, hickory, elm, green ash, and willow. This rich forested wetland provides good habitat for a number of game species including white-tailed deer, squirrel, raccoon, woodcock and waterfowl.

Many of the local residents enjoy a rural lifestyle that includes frequent recreational use of the area's natural resources. Hunting and fishing have been, and continue to be, popular uses of refuge lands.

The refuge has permitted deer hunting since 1981, when the Service first approved hunting the hunting program on the refuge. The administration, as well as special regulations for hunting has changed over time but the intent of the program has remained unchanged while measures have been made to streamline administrative costs.

All deer hunts fall within the framework of the State's open seasons and follow state regulations. A special allowance has been made by the state to have seasons extend into September on refuges in Eastern North Carolina. There are additional refuge-specific regulations to supplement State regulations. These refuge-specific regulations are reviewed annually and incorporated into the hunting brochure. The refuge continues

to evaluate the hunt program annually; and modify seasons, hunt areas or regulations if necessary. The refuge could add additional hunting areas when properties were within the approved land acquisition plan and boundary. Continuation of the hunt program would ensure that opportunities for this wildlife-dependent opportunity would continue for future generations.

Availability of Resources: Based on a review of the refuge's budget allocated for this activity, there is adequate funding to ensure compatibility and to administer this use at its current level. A permanent full-time law enforcement officer is needed to assist with hunting program administration and visitor service. Some administrative support is also needed to manage annual hunt plans, make notification, and to develop brochures. Additionally staff opens gates and work to post the refuge to other public uses during the hunt period.

Anticipated Impacts of the Use: The deer herd has expanded and increased substantially since the refuge was established. Prior to refuge establishment, this portion of Currituck County was subject to excessive deer poaching that maintained the deer herd at low levels. Following refuge establishment and initiation of an effective wildlife law enforcement program, the deer herd has increased substantially in and around the refuge. The refuge's marsh and forest habitat, combined with commercially harvested forests and agricultural fields adjacent to the refuge, provides ideal habitat conditions for white-tailed deer.

The refuge's great variety and abundance of high-quality wetland areas provide outstanding habitat for a variety of waterfowl and wading birds. Primary species include American black duck, gadwall, mallard, green-wing teal, snowy egret, and great egret. The area's habitat for neotropical migratory birds is also outstanding. Neotropical migratory birds use the marsh and forested areas and edges. The closure of the marsh and impoundments to the hunting program provides an extra protection to migratory bird using the refuge at that time.

The incidental taking of other wildlife species, either illegally or unintentionally, may occur with any consumptive use program. At current and anticipated public use levels, incidental take would be very small and would not directly or cumulatively impact current or future populations of wildlife either on this refuge or in the surrounding areas. Implementation of an effective law enforcement program and development of site-specific refuge regulations and special conditions would eliminate most incidental take problems.

Determination (check one below):

☐ Use is Not Compatible

☒ Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility:

- Vehicles are restricted to designated refuge roads and parking lots.
- Firearms, bows, and other weapons are prohibited except during designated hunting seasons.
- Hunting deer with dogs is not allowed on the refuge.

- All hunts are designed to provide quality user opportunities based upon sustainable known wildlife population levels and biological parameters. Hunt season dates and bag limits will be adjusted, as needed, to achieve balanced wildlife population levels within carrying capacities, regardless of impacts to user opportunities.

As the staff collects additional data and reviews the hunt plan, it could implement additional refuge-specific regulations. These regulations could include, but may not be limited to, season dates that are more restrictive from those in surrounding State zones, refuge permit requirements, and closed areas.

Justification: Hunting is compatible with the purposes for which the refuge was established and the mission of the National Wildlife Refuge System. It is one of the public use recreational activities that the 1997 National Wildlife Refuge System Improvement Act specifically identifies as a use to be allowed where possible on refuges. The refuge uses deer hunts as a management tool to protect the diverse ecosystem.

These hunts will be used as a management tool to protect the diverse refuge habitat from the damage of too many deer. This will help protect habitat for some species of breeding migratory birds and native wildlife. The reduction of the number of deer on the refuge will also help reduce the number of deer-car collisions that occur on the refuge and the number of deer damage complaints from refuge neighbors and the refuge's cooperating farmer. Hunting will offset some loss of refuge shares of crops left for wildlife. The only biologically effective and cost effective way to maintain the balance of the area deer population with its' environment is through public hunting. Providing deer hunting will result in favorable public opinion from deer hunters while minimizing impacts on fish and wildlife populations and their habitat. The deer hunts as proposed will not cause appreciable negative population impacts to any other refuge wildlife including endangered species. These hunts will enhance refuge purposes.

Mandatory 10- or 15-year Re-evaluation Date: March 20, 2022

Approval of Compatibility Determination

The signature of approval is for all compatibility determinations considered within the comprehensive conservation plan. If one of the descriptive uses is considered for compatibility outside of the plan, the approval signature becomes part of that determination.

Refuge Manager: _____

(Signature/Date)

**Regional Compatibility
Coordinator:**

(Signature/Date)

Refuge Supervisor:

(Signature/Date)

**Regional Chief, National
Wildlife Refuge System,
Southeast Region:**

(Signature/Date)